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REMARKS

The Applicant would like to thank the Examiner for the telephone interview on July 28, 2008 during which a proposed response was very briefly discussed. As requested during the interview, the Examiner is invited to contact the Applicant if, upon formal consideration of this response, any additional amendment to the claims would be beneficial in overcoming the art of record in this application.

The Applicant first notes that claims 1-11, 13 and 14 are withdrawn from further consideration in this application. All of the withdrawn claims are cancelled, without prejudice, from this application.

Claim 12 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. That rejected claim is canceled, without prejudice, from this application.

Initially, the Applicant notes that the fruit coring device, according to the presently claimed invention, comprises a handle and a tubular member having first and second opposed ends. The tubular member defines a longitudinal axis and has an interior cavity. The handle is connected to the tubular member adjacent the first end while the second end defines a member cutting edge. *At least one blade, with a blade cutting edge, is supported within the interior cavity of the tubular member by only an inwardly facing surface of the tubular member such that an opposite end of the at least one blade extends toward the longitudinal axis but remains free and is unsupported within the interior cavity.* In addition, the blade cutting edge lies substantially in a plane defined by the member cutting.

The handle is generally positioned along the tubular member so as to provide a stop function for the fruit coring device and prevent over insertion thereof into the fruit. During rotation of the fruit coring device, the fruit core is normally separated from a remainder of the fruit by a transaxial shearing action. Such shearing action typically separates the core from the remainder of the fruit and results in a blind hole being formed within the fruit.

Claims 16-17 and 21 are rejected under 35 U.S.C. § 102, as being anticipated in view of Hirano '912 (United States Patent No. 4,490,912). The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

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Hirano `912 relates to a pineapple cutter having a cylinder 2 with a cutter edge 2a. The cylinder 2 also has an internal cutter 8 either comprising no edges 7 (Fig. 1) or a minimum of two edges 7 (see FIGS. 3, 4A, 4B) for completely dividing an interior of the cylinder 2 into a plurality of sections. If included, each of the minimum of two edges 7 extends radially between and is directly connected with both of an inwardly facing surface of the cylinder 2 and an outwardly facing surface of the corer 6—the inwardly facing portion is not free but is connected.

A pair of handles 4, 5 are coupled to the exterior surface of the cylinder 2 and extend radially therefrom so as not to enclose either end of the cylinder 2 thus preventing passage of the pineapple through the cylinder 2 as the pineapple is being punched with the cutter.

It is respectfully submitted that the pineapple cutter, according to Hirano `912, is distinctly different from the presently claimed invention. In particular, it is respectfully submitted that Hirano `912 fails to in anyway teach, suggest, disclose or remotely hint at the presently claimed blade arrangement, namely,

the at least one blade being supported, within the interior cavity of the tubular member, by only an inwardly facing surface of the tubular member such that an opposite end of the at least one blade extends toward the longitudinal axis but remains free and unsupported within the interior cavity, and the blade cutting edge lies substantially in a plane defined by the member cutting.

Accordingly, it is respectfully submitted that the raised rejection in view of Hirano `912 should be withdrawn at this time.

Next, claims 16, 17 and 21 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Sajnaj `399 (United States Patent No. 2,249,399). The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Sajnaj `399 relates to a pastry cutter having an annular outer blade 1, an annular inner blade 2 and five radial blades 3 extending radially therebetween. As shown in FIGS. 2, 4, each of the five radial blades 3 is directly connect with both of the inwardly facing surface of the annular outer blade 1 and the outwardly facing surface of the annular inner blade 2. Thus, the radially inner portion of each blade does not remain free and unsupported within the interior cavity, as presently claimed.

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Claims 16, 17 and 21 are then rejected, under 35 U.S.C. § 102, as being anticipated in view of McClean '074 (United States Design Patent No. 358,074). The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

McClean '074 relates to a design of a pie dough cutter which includes an outer ring with two ends. The first end could arguably be connected to a handle, which radially extends normal toward the longitudinal axis defined by the outer ring and is coupled to the first end of the outer ring. Since the outer diameter of the "handle" is coupled to the outer ring, the handle and the outer ring radially extend an equal distance from the longitudinal axis.

The pie dough cutter has a total of eight blades that axially span from the "handle" to the second end of the outer ring and radially extend toward the longitudinal axis from the outer ring. It should also be noted that each of the blades is coupled to both the outer ring (i.e., the tubular member) and the "handle". In addition, the blades do not appear to extend at least half way, from the tubular member toward the longitudinal axis, as presently recited in claims 23 and 29.

Claim 22 is rejected, under 35 U.S.C. § 103, as being unpatentable over McClean '074 in view of Ring '939 (United States Patent No. 3,127,939) or James '686 (United States Patent No. 6,904,686). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

Claim 22 is canceled, without prejudice, from this application. In any event, the Applicant acknowledges that the additional references of Ring '939 and/or James '686 may arguably relate to the feature indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference with this additional art still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

In addition to the above, new independent claim 23 now recites the feature of "at least one blade having a blade cutting edge, the at least one blade being formed by a cut in a sidewall of the tubular member and the cut sidewall is bent inwardly into the interior cavity of the tubular member to form the at least one blade such that an opposite end of the at least one blade extends at least half way toward the longitudinal axis but remains free and unsupported

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within the interior cavity, and the blade cutting edge lies substantially in a plane defined by the member cutting edge" while, new independent claim 29 now recites the feature of

opposed first and second blades each having a blade cutting edge, each of the first and the second blades being formed by a cut formed in a sidewall of the tubular member with the cut sidewall being bent inward into the interior cavity of the tubular member to form respectively the first and the second blades such that an opposite free end of the first and the second blades extends at least half way toward the longitudinal axis but remains free and unsupported within the interior cavity, and the blade cutting edge lies for the first and the second blades lie substantially in a plane defined by the member cutting edge.

New dependent claims 24-28 and 30-34 recite additional features which further distinguish the present invention from the art or record. The above noted features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Hirano '912, Sajnaj '399, McClean '074, Ring '939 and James '686 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

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The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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